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10/501,265

07/09/2004

Osamu Akiba

Q73735

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23373 7590 11/18/2009  
SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

DAHIMENE, MAHMOUD

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

11/18/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com  
PPROCESSING@SUGHRUE.COM  
USPTO@SUGHRUE.COM

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/501,265 | <b>Applicant(s)</b><br>AKIBA ET AL. |  |
|                              | <b>Examiner</b><br>MAHMOUD DAHIMENE  | <b>Art Unit</b><br>1792             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Petition decision***

This office action is a copy of the office action issued on 4/23/2009. Applicant filed a petition on 3/16/2009. This office action is filed in response to the petition decision filed on 10/28/2009.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angadjivand et al. (US 6,375,886) in view of Cinar et al. (Applied Scientific Research, V 50 (1) pages 1-9, 1998).

Angadjivand discloses a method and apparatus for charging fibers that contain a nonconductive polymer. A polar liquid 32, 34 is sprayed onto free-fibers 24, and the free-fibers 24 are then collected to form an entangled nonwoven fibrous web 25 that may contain a portion of the polar liquid. The nonwoven web 25 is then dried 38. By applying an effective amount of polar liquid 32, 34 onto the nonconductive free-fibers 24 before forming the nonwoven web 25, followed by drying 38, the individual fibers 24 become charged. The method and apparatus enable the fibers 24 to be charged during web manufacture without subsequent processing (abstract). Angadjivand cites "The spraying mechanisms 28, 30 may be used separately or simultaneously from multiple sides. The spraying mechanisms 28, 30 may be used to spray a vapor of polar liquid such as steam, an atomized spray or mist of fine polar liquid droplets, or an intermittent or continuous steady stream of a polar liquid. In general, the spraying step involves contacting the free fiber with the polar liquid by having the polar liquid supported by or directed through a gas phase in any of the forms just described. The spraying mechanisms 28, 30 may be located essentially anywhere between the die 20 and the collector 26. For example, in an alternate embodiment shown in FIG. 1, spraying mechanisms 28', 30' are located closer to the collector and even downstream to a source 36 that supplies staple fibers 37 to the web 25. (15) Spraying the free-fibers while they are in a molten state or in a semi-molten state has been found to maximize the imparted charge. The spraying mechanisms 28, 30 are preferably located as close to the stream of free-fibers 24 as possible (distances e and f are minimized), without interfering with the flow of free-fibers 24 to the collector 26. The distances e and f are

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preferably about 30.5 cm (one foot) or less, more preferably less than 15 cm (6 inches), laterally from the free fiber. The polar liquid may be sprayed perpendicular to the stream of free-fibers or at an acute angle, such as at an acute angle in the general direction of free-fiber movement" (column 7, line 40-65), "The polar liquid is sprayed on the fibers in quantities sufficient to constitute an "effective amount." That is, the polar liquid is contacted with the free-fibers in an amount sufficient to enable an electret to be produced using the process of the invention. Typically, the quantity of polar liquid used is so great that the web is wet when initially formed on the collector. It may be possible, however, for no water to be present on the collector if, for example, the distance between the origin of the free-fiber and the collector is so great that the polar liquid dries while on the free-fiber rather than while on the collected web" (column 8, line 12), "The amount of polar liquid that is sprayed on the web may vary depending on the fiber production rates."

It is noted that Angadjivand proposes "spraying mechanisms 28, 30 may be used to spray a vapor of polar liquid such as **steam**, an atomized spray or mist of fine polar liquid droplets", and does not expressly disclose the average diameter of the droplets is less than 20 microns.

Cinar discloses a droplet formation in steam flow wherein steam droplets are disclosed to have diameter size typically less than 20 microns (figure 6), and the the droplet size depends on the applied pressure. The reference of Cinar is only relied on to teach a droplet formation in steam flow wherein steam droplets with diameter size typically less than 20 microns are conventionally formed in steam nozzles.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to expect the process of Angadjivand to include liquid droplets wherein average diameter of the droplets is less than 20 microns, since Angadjivand suggests steam is conventionally formed with liquid droplets with average diameter of the droplets is less than 20 microns.

As to claim 2, Angadjivand discloses the fibers are dried only after collecting the free-fibers to form a nonwoven fibrous web.

As to claim 3, it is noted Angadjivand does not expressly disclose the droplet versus fiber content, however, Angadjivand discloses "The polar liquid is sprayed on the fibers in quantities sufficient to constitute an "effective amount." That is, the polar liquid is contacted with the free-fibers in an amount sufficient to enable an electret to be produced using the process of the invention" As indicated above. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to spray the polar liquid on the fibers in quantities sufficient to constitute an "effective amount." That is, the polar liquid is contacted with the free-fibers in an amount sufficient to enable an electret to be produced using the process of the invention since Angadjivand teaches adjusting the liquid droplets content is necessary in order to obtain the desired results.

As to claim 4, Angadjivand discloses Cooperating gas orifices 23--through which a gaseous stream, typically heated air, is forced at high velocity--are positioned proximate die orifice 22 to assist in drawing the fiber-forming material through the orifice 22 (column 6, line 40).

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As to claim 5-6, Angadjivand discloses "nonconductive" means possessing a volume resistivity of about  $10^{14}$  ohm.cm or greater at room temperature (column 4, line 40).

As to claim 10, Angadjivand discloses the apparatus comprising (1) a means for melt-extruding a thermoplastic resin containing electrical-chargeability enhancing agents to form thermoplastic resin fibers; (2) a means for spraying droplets consisting essentially of a polar liquid to a space downstream of a direction of said thermoplastic resin extruded from said means for melt-extruding a thermoplastic resin, to thereby form a mist space, the average diameter of said droplets being less than 20  $\mu$ m; and (3) a means for collecting said thermoplastic resin fibers which have been passed through said mist space.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHMOUD DAHIMENE whose telephone number is (571)272-2410. The examiner can normally be reached on week days from 8:00 AM. to 5:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. D./  
Examiner, Art Unit 1792

/Nadine G Norton/  
Supervisory Patent Examiner, Art Unit 1792